

Id.

The court finds, considering all of the above standards in conjunction with the claims raised by petitioner in his petition, that the appointment of counsel would not benefit petitioner and the court to such an extent that the interests of justice require the appointment of counsel. Moreover, the court finds that the petition of petitioner contains claims that are not legally complex or factually complex and that petitioner has demonstrated an ability to this point of being able to present his claim in a clear and concise fashion.

In the event that the court determines that a hearing is necessary to resolve petitioner's petition for writ of habeas corpus, the court will appoint counsel. However, at this time, the undersigned finds that petitioner is not entitled to the appointment of counsel pursuant to Abdullah, supra.¹

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Appointment of Counsel is **DENIED** without prejudice. [Doc. 10]

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of June, 2005.

¹The court is aware of the Antiterrorism and Effective Death Penalty Act of 1996 ("the Act"), which was signed into law by the President of the United States on April 24, 1996, and of Title I of that Act which significantly amends habeas corpus law. However, the Act does not amend the law with respect to the appointment of counsel. The Act merely provides that the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel as governed by 18 U.S.C. § 3006A. Title 18 U.S.C. § 3006A is discussed above by the Eighth Circuit in Abdullah.